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April 2, 1993

Dockets Unit
Research and Special Programs Administration
Department of Transportation
Room 8421
400 Seventh Street, SW
Washington, DC 20590 -0001

RE: Docket No. HM-214;
Amendment No. 171-119, 172-128, 173-232, 174-71 and 176-32.

Dear Madam or Sir:

National By-Products, Inc. the nation's second largest independent animal by-products renderer, objects to the proposed interim final rule on Oil Spill Prevention and Response Plans as published in the February 2, 1993 'Federal Register' (pages 6864 - 6872). National By-products objects to the interim final rule for the two major reasons listed below:

- A. The animal and vegetable fats processed by our rendering operations - namely inedible tallow and grease - are NOT hazardous materials.
- B. The definition of "oil" should not include "animal oil" for the purpose of this rule since the characteristics of rendered animal fats and processed vegetable grease are greatly different than those of petroleum oil, especially when pertaining to biodegradability and toxicity.

National By-products, Inc. owns and operates independent rendering facilities in the United States from Indiana to Colorado, Wisconsin to Texas. The company recovers animal by-products from meat packing and processing plants, dead livestock from individuals and commercial feeding operations and waste kitchen grease from thousands of restaurant and food service establishments, and processes these into livestock and pet food ingredients, and inedible tallow and grease. Much of the material processed by National By-products would be improperly discarded or fill up precious landfill space if not recycled and reused after processing.

In 1992, National By-products produced and sold more than 375,000,000 pounds of inedible tallow and grease from its many facilities, which represents approximately 9,400 truckloads of finished product.

This material was transported by rail or truck within the United States and beyond. National By-products has a substantial interest in any new regulations which affect its efforts to efficiently and cost effectively process, handle and transport inedible fats and grease within the United States.

The regulatory burden that these rules create is excessive and unnecessary. National By-products is not aware of any major environmental disaster caused by a truck or rail car tanker spill of animal or vegetable based inedible fat or grease. We ARE aware of spills of inedible tallow or grease that were cleaned-up effectively with no environmental impact. Animal fats do not present the same dangers generally associated with hazardous materials, and should not be subject to the same level of regulation. Animal and vegetable fats and grease are biodegradable, are not poisonous, explosive, toxic, corrosive or radioactive. Some regulation, to ensure spills are effectively cleaned up and pose no public hazard - such as loss of vehicle control on pavement - is appropriate, but including animal and vegetable fats and grease as a hazardous material - along with petroleum oils - and requiring the same hazardous material placards, shipping papers, M.S.D.S.s is unjustified and over-kill regulation.

National By-products is extremely concerned about the negative economic impact and customer reaction of this ruling. The time and expense involved in meeting the requirements of the interim final rule is substantial:

- * changing from a simple commodity transporter (like corn or soybeans) to a qualified transporter of hazardous materials,
- * training personnel in hazardous materials handling at load-out and receiving facilities,
- * completing hazardous materials shipping manifests and papers for finished product loads,
- * placarding and labeling rail car and truck tankers,
- * producing and carrying M.S.D.S.s for finished products,
- * requalifying and licensing of N.B.P. drivers,
- * renegotiation of outside haulers contracts for hazardous materials excluded in current agreements,
- * higher insurance premiums for fleet and handling facilities.

All of the above items will create higher costs of doing business,

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which will be passed on to the customer in the form of higher prices charged for the finished products.

In addition, we have a division of National By-Products, Qual-Fat, that markets a premium feed ingredient to individual farmers and livestock producers. This material is combined with other feed ingredients on-site at the feed mill or farm. National By-Products strongly believes these interim final rule requirements of placarding vehicles will send a message to the customer that the product is dangerous and harmful. This negative public image will negate years of scientific research and customer trust that encourages the use of animal and vegetable fats and grease in feed rations for livestock. This incorrect public perception of inedible animal and vegetable fat and grease will most likely translate to a decrease in sales volume of this product.

National By-Products would like you to understand that the safe transportation and handling of animal and vegetable fats and grease has always and will always be a corporate goal. However, we know a spill threat presented by animal and vegetable fats and grease can be managed with much less burdensome and excessive regulations.

In conclusion, National By-Products reiterates that animal and vegetable fats and grease consumed by livestock and household pets alike, and are not combustible, reactive, poisonous or corrosive, and should not be included in the definition of "oil". The management of the company respectfully requests that the interim final rule be amended to delete "animal oil" and "vegetable oil" from the definition of "oil" .

National By-Products, Inc.



J, TODD FERRELL
Plant Coordinator

cc: District Managers
Mr. Paul Bohlig - Treasurer
Mr. Dean Carlson - President
Mr. Del Lane - Regional Manager
Mr. Tim Phillips - Fleet Coordinator